

CHAPTER 62 REPORTING OF RELEASES, INVESTIGATION, CONFIRMATION, ASSESSMENT AND CORREC- TIVE ACTION

Secs.	
6200	Obligations of Responsible Parties
6201	Reporting and Clean-up of Spills and Overfills
6202	Reporting of Suspected Releases of Regulated Substances
6203	Preliminary Investigation and Confirmation of Releases: Systems Tests and Site Check
6204	Initial Response
6205	Initial Abatement
6206	Removal of Free Product
6207	Comprehensive Site Assessment
6208	Corrective Action Plan
6209	Implementation of Corrective Action Plan
6210	Standards for Surface Water Quality
6211	Standards for Ground-Water Quality
6212	Standards for Soil Quality
6213	Case Closure Requirements
6214	Health and Safety Plan
6215	Public Participation in Corrective Action

6200 OBLIGATIONS OF RESPONSIBLE PARTIES

- 6200.1 Any responsible party as defined in the District of Columbia Underground Storage Tank Management Act of 1990 ("the Act") and Chapter 68 of this subtitle, who has access to and control over the premises, shall be subject to the requirements of this chapter.
- 6200.2 If the actions required pursuant to this chapter are not taken, the Director may undertake the corrective action, and the responsible party or parties shall be jointly and severally liable to the District government for costs as set forth in §6406.
- 6200.3 An owner of real property where contamination from an underground storage tank is discovered (real property owner) may be deemed a responsible party pursuant to §2(9)(A)(5) of the Act, if the real property owner refuses without good cause to permit the owner or operator of a tank access to the property to investigate or remediate the site.
- 6200.4 The fact that a real property owner is deemed a "responsible party" under the Act based upon his or her refusal to permit access to the owner or operator, shall not be construed to vary the private rights and liabilities between the real property owner and the tank owner or operator, or to relieve a tank owner or operator of any liability he or she may have under statutory or common law for causing the contamination which migrated on to a neighbor's property.
- 6200.5 An owner or operator who wishes to gain access to a neighboring property for the purposes of performing an investigation or remediation and the real property

owner of the neighboring property should take into consideration at least the following factors in negotiating an access agreement between them:

- (a) The dates during which access is required and hours during which any activities on the property will take place;
- (b) Opportunity for the real property owner to review plans and specifications before actual work begins;
- (c) Agreement regarding points and routes of access, and location of any heavy equipment, monitoring wells, remediation systems, pumps, piping, or structures;
- (d) Agreement that owner or operator will assume the costs of investigation and remediation of contamination for which owner or operator is responsible;
- (e) Agreement that owner or operator will not unnecessarily interfere with real property owner's use and enjoyment of the property;
- (f) Reasonable timetable for completion of work based upon site conditions;
- (g) Agreement that owner or operator will obtain any necessary licenses or permits;
- (h) Agreement pertaining to indemnification of real property owner by owner or operator for any damages to persons or property caused as a result of owner or operator's entry or activities on the property, except where the owner or operator is a government agency;
- (i) Agreement that owner or operator will provide evidence of liability insurance to cover any potential losses to the real property owner, except where the owner or operator is a government agency;
- (j) Agreement to restore property to its original condition within a reasonable period after work or segment of work is completed;
- (k) Where applicable and appropriate, agreement to reasonably compensate real property owner for any loss of income from the property occasioned by entry on the property (e.g., loss of business income if unable to continue to operate business during implementation of investigation or remediation); and
- (l) Agreement by real property owner to facilitate access and to permit work to be performed in accordance with plans and specifications without interference by real property owner or his or her agents.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §13 of the District of Columbia Underground Storage Tank Management Act of 1990, as amended, D.C. Law 8-242, D.C. Code §6-995.1 *et seq.* (1995 Repl. Vol.), Mayor's Order 91-160 dated October 9, 1991; and the District of Columbia Water Pollution Control Act of 1984, D.C. Law 5-188, D.C. Code 6-921 (1995 Repl. Vol.), Mayor's Order 85-152 dated September 12, 1985).

SOURCE: Final Rulemaking published at 40 DCR 7835, 7882 (November 12, 1993).

6201 REPORTING AND CLEAN-UP OF SPILLS AND OVERFILLS

- 6201.1 The responsible party for each UST system shall take immediate action to contain and clean up any spill or overfill.
- 6201.2 The responsible party for an affected UST system shall immediately report any spill or overfill to the Director and to the Fire Chief where there is any danger of fire or explosion.
- 6201.3 The responsible party for a petroleum UST system shall immediately contain and clean up a spill or overfill of petroleum that is less than twenty-five (25) gallons. If the clean-up cannot be completed within twenty-four (24) hours, the responsible party shall immediately notify the Director.
- 6201.4 If a spill or overfill of petroleum results in a release to the environment of more than twenty-five (25) gallons or causes a sheen on nearby surface water, the responsible party or any other person described in §6202.1 shall report the release to the Director within twenty-four (24) hours of the occurrence. The responsible party shall begin corrective action in accordance with the applicable provisions of §§6202 through 6215 of this chapter.
- 6201.5 The responsible party for a hazardous substance UST system shall immediately report to the Director, the Fire Chief and the Mayor's Command Center any spill or overfill of a hazardous substance, and shall immediately contain and clean up any such spill or overfill. If the clean-up cannot be completed within twenty-four (24) hours, the responsible party shall begin corrective action in accordance with the applicable provisions of §§6202 through 6215 of this chapter.
- 6201.6 If a spill or overfill of a hazardous substance results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302), the responsible party shall also report the release to the National Response Center and begin corrective action in accordance with the applicable provisions of §§6202 through 6215 of this chapter.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7884 (November 12, 1993).

6202 REPORTING OF SUSPECTED RELEASES OF REGULATED SUBSTANCES

- 6202.1 Any responsible party or any authorized agent of a responsible party; any person who tests, installs, or removes tanks; any person who engages in site investigation, assessment, remediation, or geotechnical exploration; or any public utility company or authorized agent of a public utility company who knows, or has reason to know, of a release from an underground storage tank shall notify the Director of the release or suspected release within twenty-four (24) hours.
- 6202.2 The notification required pursuant to §6202.1 may be provided orally or in writing, and shall consist of, if known, the name of the owner, operator and any other responsible party, as well as the location, date, time, volume, and substance of the release or suspected release. The notification shall include, if known, any immediate and ongoing action taken to mitigate the release, any subsequent

hazardous conditions caused by the release, and an evaluation of any potential environmental hazard evident by the condition or disposition of the tank.

- 6202.3 A responsible party shall not knowingly allow any release from an UST system to continue. A responsible party for an UST system shall notify the Director of any release or potential release within twenty-four (24) hours, and shall follow the procedures in §6203, if a release is suspected.
- 6202.4 A responsible party shall suspect a release upon occurrence of any of the following:
- (a) The owner, operator, or any other person (who informs the responsible party) discovers the presence of any released regulated substances at the UST site or in the area near the site (such as the presence of any free product or vapors in the soil, a basement, sewer and utility lines, and nearby surface or drinking water);
 - (b) Any unusual operating conditions are observed by the owner, operator or other responsible party (such as the erratic behavior of substance dispensing equipment, the sudden loss of a regulated substance from the UST system, or an unexplained presence of water in a tank), unless system equipment is found to be defective, but not leaking, and is immediately repaired or replaced; or
 - (c) The monitoring results from a release detection method required under §§6002 through 6015 indicate a release may have occurred, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7885 (November 12, 1993).

**6203 PRELIMINARY INVESTIGATION AND CONFIRMATION OF RELEASES:
SYSTEMS TESTS AND SITE CHECK**

- 6203.1 Unless corrective action is initiated in accordance with the applicable provisions of §§6204 through 6215, the responsible party shall immediately investigate and confirm each suspected release of a regulated substance within seven (7) days or other time frame required by the Director using the procedures set forth in this section.
- 6203.2 In order to determine if the UST system is the source of the suspected release or off-site impact, the Director may also require the responsible party for the UST system to follow the procedures set forth in this section, if any suspected release or off-site impact is observed by the Director or brought to the Director's attention by any person.
- 6203.3 The responsible party shall conduct systems tests, in accordance with the requirements for tightness testing set forth in §§6007 and 6013.3 of this subtitle, to determine whether a release exists in the portion of the tank that routinely contains a regulated substance, or the attached delivery piping, or both.

- 6203.4 The responsible party shall repair, replace, or upgrade the UST system, and begin corrective action in accordance with the applicable provisions of §§6204 through 6215 of this chapter if the test results for the system, tank, or delivery piping indicate that a release exists.
- 6203.5 The responsible party shall also conduct a site check, as set forth in §§6203.6 through 6203.8, if:
- (a) The test results for the system, tank, or delivery piping indicate that a release exists; or
 - (b) The test results for the system, tank, and delivery piping do not indicate that a release exists, but environmental contamination is the basis for suspecting a release.
- 6203.6 The responsible party shall measure for the presence of a release where contamination is most likely to be present at the UST site.
- 6203.7 In selecting sample types, sample locations, and measurement methods, the responsible party shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence of released substance and source of the release. Sample types, sample locations and measurement methods shall also comply with Departmental protocols and directives.
- 6203.8 If the test results for the excavation zone or the UST site do not indicate that a release has occurred, no further investigation shall be required.
- 6203.9 Upon confirmation of a release in accordance with this section, or after a release from a petroleum UST system or hazardous substance UST system is identified in any other manner, the responsible party shall begin corrective action in compliance with the applicable provisions of §§6204 through 6215.
- 6203.10 Section 6203.09 shall not apply to any UST system excluded under §§5501.3(a) through (f), or any UST system subject to RCRA Subtitle C corrective action requirements under §3004(u) of the Resource Conservation and Recovery Act, as amended.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7886 (November 12, 1993).

6204 INITIAL RESPONSE

- 6204.1 Upon confirmation of a release, the responsible party shall perform the following initial response actions:
- (a) Immediately identify and mitigate any fire, explosion, and vapor hazards;
 - (b) Take immediate action to prevent any further release of the regulated substance into the environment; and

- (c) Report the release to the Director and the Fire Chief as soon as possible, but in no event later than twenty-four (24) hours after confirmation of the release. The report may be made by telephone, electronic mail, facsimile, hand delivery, or other method approved by the Director. An original letter or memorandum, signed by the responsible party, or an authorized representative, shall be submitted to the Director within seven (7) days of confirmation of the release.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7887 (November 12, 1993).

6205 INITIAL ABATEMENT

- 6205.1 The responsible party, upon confirmation of a release, shall perform the abatement measures set forth in this section, unless otherwise instructed in writing by the Director.
- 6205.2 The responsible party shall empty all regulated substance from the UST system, unless the Director approves removal of only as much of the regulated substance from the UST system as is necessary to prevent further release to the environment.
- 6205.3 The responsible party shall visually inspect any above-ground releases or exposed below-ground releases and prevent further migration of the released substance into surrounding soils and ground-water.
- 6205.4 The responsible party shall continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements).
- 6205.5 The responsible party shall remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the responsible party shall comply with all applicable District of Columbia laws and regulations.
- 6205.6 The responsible party shall measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by §6203.6 or the closure site assessment of §6101.8. In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to ground water and other factors as appropriate for identifying the presence and source of the release.
- 6205.7 The responsible party shall investigate to determine the possible presence of free product, and begin free product removal as soon as practicable in accordance with §6206 of this chapter.
- 6205.8 Within twenty (20) days after release confirmation, the responsible party shall submit a report to the Director summarizing the initial abatement steps taken

under this section and any resulting information or data, and shall submit a copy to the Fire Chief.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7888 (November 12, 1993).

6206 REMOVAL OF FREE PRODUCT

- 6206.1 At sites where investigations under §6205.6 indicate the presence of any free product, the responsible party shall remove the free product to the maximum extent practicable as determined by the Director, in accordance with a schedule determined or approved by the Director, while continuing, as necessary, any actions initiated under §§6204 through 6205, or preparing for actions required under §§6207 and 6208.
- 6206.2 The responsible party shall conduct the removal of free product in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery techniques appropriate to the hydrogeologic conditions at the site. The Director may require the responsible party to modify free product removal techniques as necessary.
- 6206.3 The responsible party shall conduct the recovery and disposal of free product in a manner that properly treats, discharges, recycles or disposes of recovery byproducts in compliance with applicable District of Columbia and federal laws and regulations.
- 6206.4 The minimum objective for the design of the free product removal system shall be the abatement of free product migration.
- 6206.5 The responsible party shall ensure that any flammable substances are handled in a safe and competent manner in order to prevent fires or explosions.
- 6206.6 Unless directed to do otherwise by the Director, the responsible party shall prepare and submit to the Director, within forty-five (45) days after release confirmation, a report on the removal of any free product that provides at least the following information:
- (a) The name of the person(s) responsible for implementing the free product removal measures;
 - (b) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations;
 - (c) The type of free product recovery system used;
 - (d) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;
 - (e) The type of treatment applied to, and the effluent quality expected from, any such discharge;

- (f) The steps that have been or are being taken to obtain necessary permits for any discharge; and
- (g) The disposition of the recovered free product.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7889 (November 12, 1993).

6207 COMPREHENSIVE SITE ASSESSMENT

- 6207.1 Unless otherwise directed by the Director, the responsible party shall perform a complete site assessment, including a background search and complete investigation, which fully defines the extent of contamination resulting from the release.
- 6207.2 The following elements shall be included when preparing a comprehensive site assessment, as appropriate to the circumstances of the site (provided that only those elements necessary to delineate contamination resulting from the release are required in order to comply with this section):
- (a) The nature of the release, including the chemical compounds present, their concentrations, quantity released and their physical and chemical characteristics related to potential human health and environmental impacts and clean-up procedures;
 - (b) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate location of wells potentially affected by the release, subsurface soil conditions, climatological conditions, locations of subsurface sewers, and land use;
 - (c) The results of the site check performed pursuant to the requirements of §6203 and any information gained while performing initial abatement measures pursuant to §6205;
 - (d) The results of the free product investigations required under §6204.7 used by the owner or operator to determine whether free product must be recovered under the provisions of §6206;
 - (e) The areal extent of the release, both horizontal and vertical, including whether the contaminant is distributed homogeneously or heterogeneously;
 - (f) The physical characteristics of the site, including characteristics affecting the occurrence, distribution, and movement of the released contaminant and characteristics affecting access to the site which may influence the feasibility of investigation and remediation procedures;
 - (g) An evaluation of the potential risks posed by the release including identification of environmentally sensitive receptors, and estimate of the impacts to human health and the environment that may occur as a result of the release; and

- (h) Any other information required by the Director or deemed useful or necessary by the responsible party.

6207.3 A site-specific Quality Assurance/Quality Control(QA/QC) Plan shall be prepared and followed for the activities to be carried out during implementation of the site assessment prior to initiation of any site activities. The QA/QC Plan shall be available for inspection by the Director.

6207.4 Within forty-five (45) days after release confirmation, the responsible party shall submit the site assessment report to the Director in a form satisfactory to the Director.

6207.5 The responsible party may request an extension of the forty-five-day (45) deadline set forth in §6207.4 by submitting a written request for an extension. The request shall include the following:

- (a) A summary of all work performed and all information gathered to date pursuant to §6207.2;
- (b) A summary work plan for the additional assessment activities required; and
- (c) A proposed schedule for completion of the remaining assessment activities and submission of the completed site assessment report.

6207.6 The request for extension shall be submitted to the Director within thirty (30) days of confirmation of the release.

6207.7 The Director shall grant or deny the request for extension, or grant the extension with modifications to the work plan or schedule.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7890 (November 12, 1993).

6208 CORRECTIVE ACTION PLAN

6208.1 At any point after reviewing the comprehensive site assessment, the Director may require the responsible party to submit additional information or to develop and submit a corrective action plan (CAP) for responding to contaminated soils and ground water. If a CAP is required, the responsible party shall submit the plan according to a schedule and format established by the Director.

6208.2 Submission of a CAP shall be mandatory in the following circumstances:

- (a) If ground-water is adversely affected;
- (b) If free product is present in the subsurface; or
- (c) If there is evidence that contaminated soils are in contact with ground-water.

6208.3 The responsible party may, after fulfilling the requirements of §§6204 through 6207 of this chapter, voluntarily submit a CAP for responding to contaminated soil and ground-water.

- 6208.4 The responsible party shall submit a plan that provides for adequate protection of both human health and the environment, as determined by the Director, and shall modify the corrective action plan as necessary to meet this standard.
- 6208.5 A CAP shall propose a corrective action option for the site which will do the following:
- (a) Remediate the site within a reasonable period of time based on the best available technology;
 - (b) Ensure that non-aqueous phase liquids will not exist or are no longer recoverable at the site; and
 - (c) Accomplish one (1) of the following:
 - (1) Reduce the contaminant levels to achieve the standards set forth in §§6210, 6211 and 6212 and any other applicable District of Columbia or federal regulations;
 - (2) Where no standards have been established by regulation, reduce the contaminant levels to levels which the Director deems to be adequately protective of human health and the environment based upon the available data; or
 - (3) If it is not feasible to meet the requirements of §6208.5(c)(1) or (2), monitor the site over time to provide technically-based assurance that the site contamination is controlled under natural conditions and that those conditions will not now, or at some future time, adversely impact human health, safety or the environment.
- 6208.6 A corrective action plan shall provide for proper disposal of the contaminated soils removed from the ground, and shall not permit the placement of contaminated soils back into the ground for the purposes of *in situ* remediation or storage, unless specifically agreed to by the Director.
- 6208.7 A site-specific Quality Assurance/Quality Control (QA/QC) Plan for the activities to be carried out during implementation of the CAP must be prepared prior to the implementation of any site activities. The QA/QC Plan shall cover all actions proposed in the CAP, and comply with any Departmental guidelines.
- 6208.8 The approval of the Director shall be required for each corrective action plan. Approval shall be given to a plan only after the Director determines, to his or her satisfaction, that implementation of the plan will adequately protect human health, safety, and the environment. In making this determination, the Director may consider the following factors, as appropriate:
- (a) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration;
 - (b) The hydrogeologic characteristics of the facility and the surrounding area;

- (c) The proximity, quality, and current and future uses of nearby surface water and ground-water;
 - (d) The potential effects of residual contamination on nearby surface water and ground water;
 - (e) An exposure assessment;
 - (f) The estimated timetable for completion of the remediation; and
 - (g) Any information assembled in compliance with this chapter.
- 6208.9 The Director's approval shall contain a determination as to whether the proposed corrective action is an active or passive corrective action. Passive corrective action shall include the following technologies:
- (a) Monitoring of natural attenuation;
 - (b) Non-pressurized positive or negative subsurface venting;
 - (c) A single injection of biological or chemical agents designed to enhance attenuation of subsurface contamination; and
 - (d) Any other technology involving limited activity, as determined by the Director.
- 6208.10 In the interest of minimizing environmental contamination and promoting more effective corrective action, the responsible party may begin remediation of soil and ground-water before the corrective action plan is approved; Provided, that the responsible party:
- (a) Notifies the Director of his or her intention to begin remediation and provides the Director with an opportunity to inspect the site before the CAP is implemented;
 - (b) Complies with any conditions imposed by the Director, including halting remediation or mitigating adverse consequences from clean-up activities; and
 - (c) Incorporates these self-initiated remediation measures in the corrective action plan (CAP) that is submitted to the Director for approval.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7892 (November 12, 1993).

6209 IMPLEMENTATION OF CORRECTIVE ACTION PLAN

- 6209.1 After approval of the corrective action plan, the responsible party shall begin implementation of the plan, including modifications to the plan made by the Director, within thirty (30) days, or in accordance with a schedule agreed to by the Director.

- 6209.2 The responsible party shall notify the Director and the Fire Chief at least seven (7) calendar days prior to initiating operation of the CAP, and provide the Director with an opportunity to inspect the site prior to operation.
- 6209.3 The responsible party shall monitor, evaluate, and report the results of implementing the plan in a format established by the Director, at least quarterly, or in accordance with a time schedule approved in the CAP.
- 6209.4 If the Director determines that the implementation of corrective actions are not achieving adequate protection of human health and the environment, the Department may require additional responses to be taken.
- 6209.5 After one (1) year of passive corrective action as referred to in §6208.9 the responsible party must either apply for site closure, or obtain written consent from the Director for its continuation.
- 6209.6 The responsible party shall evaluate the effectiveness of the corrective action program after one (1) year of implementation to determine whether additional measures must be implemented to effectively reduce the contaminant levels.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7895 (November 12, 1993).

6210 STANDARDS FOR SURFACE WATER QUALITY

- 6210.1 The standards for surface water quality are the District of Columbia Water Quality Standards.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7896 (November 12, 1993).

6211 STANDARDS FOR GROUND-WATER QUALITY

- 6211.1 The standards for ground water quality shall be the District of Columbia Water Quality Standards for Ground-Water.
- 6211.2 The standard for total petroleum hydrocarbons (TPH) in ground-water contaminated by non-gasoline petroleum contamination shall be one part per million (1 ppm).

SOURCE: Final Rulemaking published at 40 DCR 7835, 7896 (November 12, 1993).

6212 STANDARDS FOR SOIL QUALITY

- 6212.1 The standards for soil quality shall be the following:
- (a) Total petroleum hydrocarbons (TPH) shall be no greater than one hundred parts per million (100 ppm);
 - (b) Total benzene, toluene, ethylbenzene, and total xylenes (BTEX) shall be no more than ten parts per million (10 ppm); and

- (c) Benzene concentration shall be no more than one part per million (1 ppm).

SOURCE: Final Rulemaking published at 40 DCR 7835, 7896 (November 12., 1993).

6213 CASE CLOSURE REQUIREMENTS

- 6213.1 The responsible party shall submit a request for site closure signed by the responsible party or his or her authorized representative. The request for closure shall include a summary of major events and accomplishments during the investigation/remediation process, including to the extent possible, but not limited to, the following:
 - (a) The cause of the release if known;
 - (b) The estimated amount and type of product released; and
 - (c) The estimated amount of product recovered.
- 6213.2 Closure documentation shall include a demonstration and analysis that the site has met the objectives for clean-up as outlined in §6208.5.
- 6213.3 The responsible party shall also submit all documents (permits, certificates, approvals, etc.) relating to the transportation and disposal of wastes from the site (i.e. tanks, soils, product, water).
- 6213.4 All records documenting the transport and disposal of any free product, contaminated water and soil, or other waste that is generated at the site while the corrective action plan is being performed, shall be maintained by the responsible party for a period of at least three (3) years from the date of transport and disposal.
- 6213.5 Prior to approving a request for closure, the Director shall be satisfied of the following:
 - (a) That the corrective action plan has been properly implemented;
 - (b) That all corrective action plan objectives have been met;
 - (c) That all free product has been removed;
 - (d) That the site does not pose a threat to human health and the environment;
 - (e) That soil contaminant levels have been reduced to District of Columbia standards set forth in §6212 or to levels approved by the Director;
 - (f) That surface water contaminant levels have been reduced to District of Columbia standards set forth in §6210; and
 - (g) One of the following:

(1) That the remediation standards for ground-water set forth in §6211 have been met; or

(2) That it is unfeasible to reduce ground-water contaminant levels further.

6213.6 If a responsible party requests case closure, while claiming that it is technically unfeasible to reduce ground-water or soil contaminant levels to the standards set forth in §§6210, 6211 and 6212, the Director may also require an exposure assessment as defined in this subtitle in compliance with Departmental protocols.

6213.7 The Director shall review each request for closure completed in accordance with this section. If the Director is satisfied that the requirements for case closure set forth in §§6213.1 through 6213.6 have been met, the Director shall issue a letter of closure. The closure approval shall not absolve the responsible party from previously incurred or potential future liability.

6213.8 Upon receiving notice from the Director that the closure requirements have been met, the responsible party shall remove all equipment, and ensure that all wells are closed down and removed, grouted and sealed, unless otherwise authorized by the Director.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7896 (November 12, 1993).

6214 HEALTH AND SAFETY PLAN

6214.1 A site-specific health and safety plan shall be prepared for all on-site work performed pursuant to the requirements of §§6203 through 6209, in accordance with all federal Occupational Safety and Health Administration (OSHA) regulations, and shall be available for inspection by the Director.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7898 (November 12, 1993).

6215 PUBLIC PARTICIPATION IN CORRECTIVE ACTION

6215.1 For each confirmed release that requires a corrective action plan, the director shall provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action.

6215.2 Notice shall be provided by one (1) or more of the following methods: through the publication of notices in local and community newspapers, public service announcements, letters to individual households, personal contacts by field staff, notification to the affected Advisory Neighborhood Commissioners (ANCs) and civic associations or any combination of these methods.

6215.3 The Director shall ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.

6215.4 The Director shall give public notice that complies with §§6215.1 and 6215.2 of this section if implementation of an approved corrective action plan does not

achieve the established clean-up levels in the plan and termination of that plan is under consideration by the Director.

- 6215.5 The Director shall receive citizen complaints about UST systems that allege noncompliance with or violation of the provisions of the Act or this chapter.
- 6215.6 The Director shall investigate each *bona fide* complaint filed under §6215.5, and shall notify the complainant and the owner and operator of the UST or UST system of the results of that investigation.
- 6215.7 The Director shall not oppose any application by a private citizen for permissive intervention under Rule 24(b) of the Rules of the Superior Court of the District of Columbia in any civil action to enforce the provisions of the Act or the applicable provisions of this chapter on the ground that the applicant's interest is adequately represented by the District of Columbia.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7898 (November 12, 1993).

